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Chair: Mr. Mac-Donald. ..... (Suriname)

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The meeting was called to order at 3.35 p.m.

Agenda item 65: Promotion and protection of the rights of children (*continued*)

Draft resolution A/C.3/67/L.23/Rev.1: Rights of the child

1. **Mr. Rivas** (Uruguay), introducing the draft resolution on behalf of the Group of Latin American and Caribbean States, the European Union, and the other sponsors, said that Australia, Japan, Maldives, New Zealand, Norway, Republic of Korea and Ukraine had joined the sponsors.

2. **The Chair** suggested that since the document as amended was available on the Committee's QuickPlace website, and since there were numerous amendments to the text, as an exceptional procedure, an oral reading of the amendments could be dispensed with.

3. **Mr. Gustafik** (Secretary of the Committee) said that Angola, Armenia, Belarus, Benin, Côte d'Ivoire, Japan, Kazakhstan, Lebanon, Liberia, Liechtenstein, Madagascar, Mali, Morocco, Mozambique, Namibia, Papua New Guinea, Philippines, Rwanda, Swaziland, Tajikistan, Togo, Uganda, the United Republic of Tanzania and Zambia had joined the sponsors.

4. *Draft resolution A/C.3/67/L.23/Rev.1, as orally revised, was adopted.*

5. **Ms. Robl** (United States of America) said that the current version of the resolution highlighted the need to protect the rights of indigenous children, which was an issue of great concern in her country. Her Government had instituted a number of laws and programmes for the benefit Native Americans, and in particular American Indian and Alaskan native youth. The fact that her delegation had joined the consensus on the draft resolution, however, did not imply that States must become party to any instruments to which they were not a party or implement obligations under human rights instruments to which they were not a party. Furthermore, to the extent that it was implied in the resolution, the United States did not recognize the creation of any new rights that it had not previously recognized, the expansion of the content or coverage of existing rights, or any other change in the current state of treaty law or customary international law. In particular the United States wished to recall its previous positions on economic, social and cultural rights, and on the topic of the right to development. Further, she understood the reaffirmation of prior instruments in the draft resolution to apply only to those who had affirmed them initially. She also wished to reiterate concerns about the budgetary implications of the draft resolution.

6. **Ms. Walker** (Canada) said that her country had made significant investments in the rights and well-being of children and youth. The draft resolution called attention to the rights the most vulnerable, in particular girls, and of indigenous peoples. The United Nations Declaration on the Rights of Indigenous Peoples was an aspirational, non-legally binding document that did not reflect customary international law or change Canadian law.

7. **Ms. Khvan** (Russian Federation) said that while her country had joined the consensus on the draft resolution, it had refrained from its usual practice of joining the sponsors because it disagreed with the creation of a special rights regime for indigenous children. Their rights were sufficiently covered by the combination of the Convention on the Rights the Child and the Declaration on the Rights of Indigenous Peoples. The creation of separate programmes for indigenous children, however well-intentioned, was counterproductive. The focus should rather be on integrating indigenous children with the other children in their societies. She expressed concern that the sponsors, and in particular the United States, the European Union and the Group of Latin American and Caribbean States, had taken it upon themselves to decide on behalf of all how the interests of children should be safeguarded, and had not, as in previous years, taken into consideration the views of other delegations. If that trend continued, the issue would become politicized and the resolution would lose more sponsors.

8. **Reverend Wylie** (Observer for the Holy See) said that his delegation was disappointed that the resolution did not include an explicit reference to the practice of forced sterilization and forced abortion against indigenous peoples. Inclusion of such a reference would have been consistent with obligations regarding the care of children before as well as after birth contained in the Convention on the Rights of the Child and with guarantees of the right to life, protection from torture and equal protection under law contained in the Universal Declaration of Human Rights. He reiterated reservations previously expressed by the Holy See, and in particular stressed that the term "sexual and reproductive health" should not be taken to include

abortion and that "gender" should be understood to mean male and female according to the general and historical usage of the term.

9. **The Chair** suggested that the Committee should take note, in accordance with the annex to General Assembly decision 55/488, of the report of the Committee on the Rights of the Child (A/67/41), and the note by the Secretary-General transmitting the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/67/291).

10. *It was so decided.*

Agenda item 67 Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*)

Draft resolution A/C.3/67/L.56/Rev.1: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

11. **Mr. Yahiaoui** (Algeria), introducing the draft resolution on behalf of the Group of 77 and China, said that follow-up to and implementation of the Durban Declaration and Programme of Action was central in the fight against racism. In the years since the Durban conference, modern technology had provided new ways for racism to cross borders and become globalized. Despite the consensus adoption of the Durban Declaration and Programme of Action, the political will had been lacking to address certain historical injustices and issues of remedies and reparations.

12. The draft resolution commended the Working Group of Experts on People of African Descent, which had worked to produce a draft programme of action for a Decade for People of African Descent in according with General Assembly resolution 66/144. It encouraged continuation of the visible theme on non-racism in football at the 2014 World Cup soccer tournament to be held in Brazil. The draft resolution also addressed the threats of xenophobia, Christianophobia, Islamophobia, anti-Semitism, cyberracism, and incitement to racial, ethnic and religious hatred.

13. As a sign of the flexibility of the Group of 77 and China, several amendments had been made to the text. Paragraph 48 now read: "*Encourages* those States that have not adopted legislation or other appropriate measures which would combat and prevent advocacy of racial, ethnic and xenophobic hatred should consider to do so, in conformity with international standards of freedom of expression and taking all measures necessary to guarantee that right, taking into account that combating the use of the Internet to propagate racist, ethnic hatred and xenophobic content and incitement to violence requires a multi-stakeholder approach". Paragraph 79 now read: "*Requests* the President of the General Assembly in consultation with Member States, relevant United Nations programmes and agencies, and civil society including non-governmental organizations, to launch an informal consultative preparatory process for the proclamation of the International Decade of People of African Descent, with the theme, "People of African Descent: Recognition, Justice and Development", with a view to proclaiming it in 2013, and requests the Secretary-General to report to the General Assembly before the end of the sixty-seventh session on practical steps to be taken to make a decade effective". Paragraph 80 should now read: "*Commends* the Working Group of Experts on People of African Descent for its work during its tenth session and invites its Chair to participate in the proclamation of the international decade and to report to and engage in an interactive dialogue with the General Assembly in that respect, under the item "Elimination of Racism, Racial Discrimination, Xenophobia and Related Intolerance" at its sixty-eighth session.

14. **Mr. Gustafik** (Secretary of the Committee) said that the Russian Federation had joined the sponsors.

15. **Ms. Furman** (Israel) said that in the course of its 3,000-year history, her nation had known the evils of racism all too well. However, instead of fulfilling the promise of uniting the world in the struggle against racism, the 2001 Durban Conference had been hijacked by a small group of States for the purpose of demonizing and delegitimizing the State of Israel. The majority had stood by in silence while a conference entrusted with the mission of countering racism became a vehicle for exactly the opposite. In the face of the resulting hatred, anti-Semitism, intolerance and

prejudice, Israel had been forced to withdraw from the Durban Conference and to refrain from participating in the 2009 Durban Review Conference and the 2011 High-level Meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action. Although the draft resolution contained elements that would have been positive in their own right, its core remained the Durban Declaration and Programme of Action, which was tainted by politicization. For that reason, her delegation was calling for a vote on the draft resolution and would vote against it.

16. **Mr. Yahiaoui** (Algeria), speaking on behalf of the Group of 77 and China, said that the primary purpose of the draft resolution was to follow up on the strides made by General Assembly resolution 60/144 in laying the foundations for an International Decade for People of African Descent. It also stressed the imperative for the General Assembly to engage with the Durban follow-up mechanisms in the same manner as other special procedures and mechanisms of the Human Rights Council addressed contemporary manifestations of racial discrimination such as misuse of the Internet by extremist groups, and touched on the significant work of the Committee on the Elimination of Racial Discrimination. It stressed the importance of mobilizing political will for achievement of the consensus reached in Durban. He urged all delegations to vote in favour of it.

17. **Ms. Syed** (Norway), speaking also on behalf of Iceland, Liechtenstein and Switzerland, said that those countries had entered negotiations on the draft resolution hoping to support it as they had in previous years. However, they were concerned about the introduction of several new paragraphs on intolerance and discrimination based on religion or belief. Singling out one form of discrimination or intolerance at the expense of others undermined the message against racism, racial discrimination and xenophobia. Those delegations would thus be compelled to abstain.

18. **Ms. Robl** (United States of America) said that her country's opposition to racism and racial discrimination was rooted in some of the most tragic chapters of its history. Her delegation was concerned about speech that advocated national, racial or religious hatred, but remained convinced that the best antidote to offensive speech was not bans and punishments, but a combination of robust legal protections against discrimination and hate crimes, proactive government outreach to racial and religious groups, and vigorous defence of freedom of expression. The Durban Declaration and Programme of Action unfairly singled out Israel and endorsed overly broad restrictions on freedom of expression. She regretted that the draft resolution continued to contain elements that required her delegation to vote against it.

19. **Mr. Makriyiannis** (Cyprus) speaking on behalf of the European Union, said that the European Union remained fully committed to the principal objectives of the Durban Declaration and Programme of Action, but also remained concerned about lack of implementation and the absence of political will to ensure effective steps towards the elimination of racism, racial discrimination, xenophobia and related intolerance. The European Union would continue to support the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. He expressed appreciation for the efforts of the facilitators to address some of the European Union's concerns, including recognition of the positive role of freedom of expression could play in combating racism, and the need to address advocacy of racial, ethnic and xenophobic hatred in conformity with international standards on freedom of expression. He welcomed the request to the President of the General Assembly to launch a preparatory process for the proclamation of the Decade for People of African Descent. However, the European Union could not support the addition of several paragraphs on religious intolerance in a draft resolution that was supposed to be about racism. There was a slight but significant distinction between criticizing people for what they believed and criticizing people for what they were. Religion and belief were identities of choice, whereas race and ethnicity were not. Of particular concern was the wording of the twenty-first preambular paragraph, which suggested that religious intolerance was primarily a problem among nations rather than a problem at the national and local levels. The European Union would have liked to see a clear recognition in the text that the primary responsibility for combating racism lay with States. A shorter and more focused text would have served better to unite the international community against racism, racial discrimination, xenophobia and related intolerance. The Member States of the European Union looked forward to more productive negotiations on those issues in the coming year, but could not support the draft resolution as it was currently written.

20. *A recorded vote was taken on draft resolution A/C.3/L.56/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Czech Republic, Israel, Marshall Islands, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland.

21. *Draft resolution A/C.3/L.56/Rev.1 was adopted by 126 votes to 6, with 47 abstentions.**

22. **Mr. De León Huerta** (Mexico) said that it was important to maintain a balance among all the elements of the Durban agenda. The proclamation of an International Decade of People of African Descent was particularly relevant to his country and the countries of the Caribbean.

23. **Mr. Červenka** (Czech Republic) said that his delegation had reservations concerning the declaration issued by the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action. While those documents were relevant tools in combating racism, the Czech Republic had not participated in the commemoration owing to the manifestations of racism that had marred the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001.

24. Moreover, his delegation held that all victims of racism should be treated equally regardless of the form of discrimination from which they suffered. For that reason, it was sceptical concerning the proclamation of a Decade for People of African Descent. Were people of Asian descent, the Roma, indigenous people and many others not subject to racial discrimination and intolerance, and were their grievances not worthy of the same attention?

25. Lastly, while international cooperation was crucial in combating racism, the primary responsibility lay with States, regardless of how much international assistance they might receive. The draft resolution failed to strike the right balance and did not do justice to the issue as a whole. Therefore, while his delegation would remain engaged in efforts to eradicate racism, it had voted against the draft resolution.

26. **The Chair** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General

* The delegation of Uganda subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/67/325) and the note by the Secretary-General transmitting the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/67/326).

27. *It was so decided.*

Agenda item 69: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution A/C.3/67/L.40/Rev.1: Protection of migrants

28. **The Chair** said that the draft resolution contained no programme budget implications.

29. **Ms. Diaz Gras** (Mexico), introducing the draft resolution, said that it reaffirmed the universal nature of human rights, which States were obligated to respect regardless of a person's migrant status. The High-level Dialogue on International Migration and Development to be held in 2013 would afford an opportunity for Member States to send a message regarding their commitment to the issue of migration and to assess the progress achieved, including on human rights, in the seven years since the first such dialogue.

30. The delegations of Brazil, Peru and Portugal had joined the sponsors of the draft resolution.

31. Reading out oral amendments to the draft resolution, she said that, in the eighteenth preambular paragraph, the phrase "on countries of origin and destination" should be deleted from the third line and the phrase "in countries of origin and destination" should be inserted in the second line after the word "development". The phrase "to implement gender-sensitive policies and programmes for women migrant workers" in paragraph 5(d) should be moved to paragraph 5(e). In paragraph 10(b), the United Nations High Commissioner for Human Rights should be added to the list of mandate holders whose contributions were recognized. Lastly, in paragraph 11, the phrase "all relevant international meetings, including the High-level Dialogue to be held in 2013" should be replaced by "the High-level Dialogue to be held in 2013 and other relevant international meetings".

32. **Mr. Gustafik** (Secretary of the Committee) said that Angola, Armenia, Bangladesh, Belarus, Burkina Faso, Egypt, Nicaragua, the Philippines, Tunisia and Uganda had joined the sponsors.

33. *Draft resolution A/C.3/67/L.40/Rev.1, as orally revised, was adopted.*

Draft resolution A/C.3/67/L.41: Promotion of peace as a vital requirement for the full enjoyment of all human rights by all

34. **The Chair** said that the draft resolution contained no programme budget implications.

35. **Mr. Gustafik** (Secretary of the Committee) said that Algeria, Brazil, China, Eritrea, Ethiopia, Jordan, Lao People's Democratic Republic, Madagascar, Myanmar, Namibia, Nigeria, Saint Vincent and the Grenadines, Somalia, South Sudan, the Syrian Arab Republic and Turkmenistan had joined the sponsors.

36. **Ms. Astiasarán Arias** (Cuba), introducing the draft resolution, said that Bangladesh, Benin, Burundi, Cameroon, Comoros, Congo, Côte d'Ivoire, the Democratic People's Republic of Korea, El Salvador, Grenada, India, the Islamic Republic of Iran, Jamaica, Kenya, Lesotho, Liberia, Malawi, Mali, Niger, Sri Lanka, the Sudan, Swaziland, Vanuatu, Viet Nam and Zimbabwe had also joined the sponsors.

37. The draft resolution underscored the right to peace and the need for States to promote and preserve peace as the only means of ensuring the enjoyment of human rights by all.

38. **Mr. Gustafik** (Secretary of the Committee) said that Angola and Senegal had also joined the sponsors.

39. **Mr. Makriyiannis** (Cyprus), speaking on behalf of the European Union, said that the member States of the European Union were committed to human rights, democracy and the rule of law and to international peace and security. His delegation shared the view that there were links between peace and respect for human rights; however, the absence of peace could not justify a failure to respect human rights. The draft resolution elaborated only on the obligations and relations among States in promoting peace without mentioning the fundamental obligation of the State towards its citizens

and thus neglected an important component of the mandates of the Committee and the Human Rights Council.

40. The Human Rights Council's decision to establish a working group to negotiate a draft resolution on the right to peace, which was welcomed in the draft resolution, had been controversial. There was no international consensus that the right to peace existed in international law and the draft resolution was potentially inconsistent with other international norms, including the Charter. Moreover, the draft declaration on the right to peace drawn up by the advisory group of the Human Rights Council was not a suitable starting point for the discussions of its intergovernmental working group and therefore the European Union did not support the Council's decision to establish that group. For those reasons its members would vote against the draft resolution.

41. **Ms. Robl** (United States of America) said that, like all peace-loving nations, the United States was concerned whenever conflict erupted and human rights were violated and knew that peace was unstable where citizens were denied the right to speak freely, worship as they pleased, choose their own leaders or assemble without fear. Her Government would continue to work on issues that the draft resolution was purported to advance, such as women's rights, disarmament and development, through action in the appropriate United Nations body, utilizing subject-matter expertise and building on years of diligent efforts.

42. Her delegation was concerned, however, that the draft resolution did not serve its stated purpose of promoting peace and would vote against it. For example, it disagreed with the language in the text that welcomed the decision of the Human Rights Council in its resolution 20/15 to establish an intergovernmental working group. That resolution contemplated that the working group would draft a declaration covering many issues that were at best unrelated to the cause of peace and at worst divisive and detrimental to efforts to achieve peace.

43. The Committee could make the greatest contribution to peace by focusing on the implementation of human rights obligations. Human rights were universal and were enjoyed by individuals; there was not, as suggested by the draft resolution, a collective right to peace. Furthermore, the text contained other incomplete characterizations of international law, including with respect to the use of force. While no country wished to be cast as voting against peace, her delegation would vote against the draft resolution, which would not contribute to the cause of peace or human rights.

44. *At the request of the representative of Cyprus a recorded vote was taken on draft resolution A/C.3/67/L.41.*

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania,

Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Afghanistan, Armenia, Papua New Guinea, Samoa, Singapore.

45. *Draft resolution A/C.3/67/L.41 was adopted by 121 votes to 53, with 5 abstentions.**

Draft resolution A/C.3/67/L.42/Rev.1: The right to food

46. **The Chair** said that the draft resolution contained no programme budget implications.

47. **Ms. Astiasarán Arias** (Cuba), introducing the draft resolution, said that Afghanistan, Armenia, Austria, Bahrain, Bangladesh, Belgium, Belize, Benin, Botswana, Cambodia, Central African Republic, Cyprus, Costa Rica, El Salvador, Finland, France, Germany, Ghana, Greece, Guinea Bissau, Ireland, Italy, Jamaica, Kenya, Kuwait, Kyrgyzstan, Lesotho, Liberia, Liechtenstein, Luxembourg, Malawi, Malaysia, Malta, Mexico, Nauru, Nepal, the Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Peru, the former Yugoslav Republic of Macedonia, the Philippines, Portugal, Qatar, the Republic of Korea, Romania, Rwanda, Samoa, Saudi Arabia, Sierra Leone, Slovenia, the Solomon Islands, South Africa, Spain, Sri Lanka, Tanzania, Thailand, Tunisia, Turkey, Vanuatu and Yemen had joined the sponsors.

48. The full enjoyment of the right to food remained a utopia for many, despite its recognition in human rights instruments and declarations. The food crisis had caused a dramatic increase in the number of people suffering from hunger — currently estimated at over 870 million — most of whom lived in developing countries. The draft resolution called upon the United Nations funds and programmes, the international financial institutions and States to take the necessary measures to end the food crisis, ensure food security and guarantee everyone the right to food.

49. Reading out amendments to the text, she said that in the twelfth preambular paragraph the word "massive" had been replaced with the word "substantive". An additional preambular paragraph had been added after the fifteenth preambular paragraph that read: "Recalling the adoption of the voluntary guiding principles during the thirty-eighth session of the Committee on World Food Security and the 144th session of the Council of the Food and Agriculture Organization of the United Nations in May 2012". After paragraph 9, a new paragraph had been added that read, "Calls upon all States and, if appropriate, relevant international organizations to take measures and support programmes which are aimed at combating under-nutrition in mothers and children and the reversible effects of chronic undernutrition in early childhood, in particular from pregnancy to the age of two years". Lastly, the words "as well as non-communicable diseases" had been added at the end of paragraph 24.

50. **Mr. Gustafik** (Secretary of the Committee) said that Andorra, Azerbaijan, Bosnia and Herzegovina, the Congo, Croatia, the Democratic Republic of the Congo, Egypt, Japan, Lithuania, Mali, Mongolia, Montenegro, Paraguay, the Republic of Moldova, San Marino, Serbia, South Sudan, Togo, Tunisia, Tuvalu, Uganda, Ukraine, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, and Zambia had joined the sponsors.

51. *Draft resolution A/C.3/67/L.42/Rev.1, as orally revised, was adopted.*

Explanations of position after adoption of the draft resolution

52. **Ms. Robl** (United States of America) said that her delegation was pleased to join the consensus on the draft resolution. Her Government was committed to accelerating progress towards the Millennium Development Goals and boosting agricultural development in order to achieve the Goals related to poverty and hunger.

53. While the Food and Agriculture Organization of the United Nations had issued warnings about high food prices and price volatility, it had stated that the current situation did not constitute a food crisis. Furthermore, while the draft resolution identified

* The delegations of Ethiopia and Turkmenistan subsequently said that they had intended to vote in favour of the draft resolution.

factors that contributed to food insecurity, it omitted the significant role of conflict and lack of good governance as causes of food insecurity.

54. There was indeed a chronic food security crisis in the Horn of Africa, where nearly 8.2 million people experienced food insecurity. Her Government had provided over $1.3 billion in humanitarian assistance to that region and supported the right of everyone to an adequate standard of living as recognized in the Universal Declaration of Human Rights.

55. The United States was not a party to the International Covenant on Economic, Social and Cultural Rights; joining consensus on the draft resolution did not recognize any change in the current state of conventional or customary international law regarding rights related to food. While the goal was to ensure that everyone had adequate access to food, the right to food was not an enforceable obligation. The references in the draft resolution to the right to food were interpreted in the light of article 2, paragraph 1, of the Covenant, in which the States parties undertook to progressively achieve the full realization of economic, social and cultural rights to the extent they had assumed such obligations. While her Government was the world's largest food aid donor, it did not concur with any reading of the draft resolution that would suggest that States had particular extraterritorial obligations arising from the right to food.

56. While her delegation joined in welcoming the work of the Committee on Economic, Social and Cultural Rights, including its general comment No. 12, it had significant disagreements with some portions of the general comment. The reaffirmation of previous documents was interpreted as applicable to the extent that States had already affirmed those documents. Her delegation did not necessarily agree with statements of a technical or scientific nature without attribution in the draft resolution.

57. The United States was committed to international trade liberalization and achieving a balanced conclusion to the Doha Round, which would help open markets and thereby generate economic growth that would spur development. The draft resolution would in no way undermine or modify commitments to existing trade agreements or the mandates of ongoing trade negotiations.

58. The implementation of the World Trade Organization (WTO) agreement on trade-related Aspects of intellectual property rights (TRIPS) supported comprehensive approaches to food security by encouraging policies that would enable countries to use tools and incentives, including biotechnology, to raise agricultural productivity. By joining the consensus on the draft resolution the United States supported the continued implementation of the TRIPS agreement, which provided for patent and plant variety protection systems that contributed to the efforts to promote global food security.

59. Lastly, she reiterated her delegation's views on the outcome document of the United Nations Conference on Sustainable Development, "The future we want", which had been conveyed to the Secretary-General of the Conference in July 2012.

60. **Ms. Walker** (Canada) said that her delegation had concerns with some aspects of the draft resolution. The TRIPS agreement contained no reference to the concepts of food security and the right to food. Her delegation interpreted paragraph 29 of the draft resolution to mean that it encouraged WTO members to consider the manner in which they implemented TRIPS but did not suggest that Member States should make substantive interpretations of the TRIPS agreement or instruct WTO members on how to implement the agreement. Her Government saw nothing in the agreement that prevented States from pursuing the right to food or food security. Canada supported the progressive realization of the right to food as part of the right to an adequate standard of living.

Draft resolution A/C.3/67/L.43: Promotion of a democratic and equitable international order

61. **The Chair** said that the draft resolution contained no programme budget implications.

62. **Mr. Gustafik** (Secretary of the Committee) said that Algeria, Brazil, China, Côte d'Ivoire, Egypt, Eritrea, Ethiopia, India, the Islamic Republic of Iran, the Lao People's Democratic Republic, Madagascar, Mali, Mauritania, Myanmar, Namibia, Saint Vincent and the Grenadines, Somalia, South Sudan, the Syrian Arab Republic and Viet Nam had become sponsors.

63. **Ms. Astiasarán Arias** (Cuba), introducing the draft resolution, said that Bangladesh, Benin, Burkina Faso, Burundi, Cameroon, Comoros, the Congo, the Democratic Republic of the Congo, the Dominican Republic, El Salvador, Ghana, Indonesia, Jamaica, Lesotho, Malaysia, Malawi, Niger, Nigeria, Pakistan, Senegal, Sri Lanka, the Sudan, Swaziland, Vanuatu and Zimbabwe had joined the sponsors.

64. The draft resolution requested the Secretary-General and the United Nations High Commissioner for Human Rights to support, and Governments to cooperate with, the Independent Expert on the promotion of a democratic and equitable international order in the discharge of his mandate.

65. **Mr. Gustafik** (Secretary of the Committee) said that Armenia had also joined the sponsors.

66. **Mr. Makriyiannis** (Cyprus), speaking on behalf of the European Union in explanation of vote before the voting, said that it was necessary to work towards a democratic and equitable international order and the issues raised in the draft resolution required careful analysis and action by all nations. The European Union had been founded on a determination to promote peace and stability and to build a world based on respect for human rights, democracy and the rule of law. However, the member States of the European Union remained of the view that many elements of the draft resolution extended far beyond the scope of the United Nations human rights agenda and therefore they would vote against it.

67. *At the request of the representative of Cyprus, a recorded vote was taken on draft resolution A/C.3/67/L.43.*

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Afghanistan, Chile, Costa Rica, Mexico, Mozambique, Peru, Samoa.

68. *Draft resolution A/C.3/67/L.43 was adopted by 121 votes to 52, with 7 abstentions.*

Draft resolution A/C.3/67/L.46: Missing persons

69. **The Chair** said that the draft resolution contained no programme budget implications.

70. **Mr. Gustafik** (Secretary of the Committee) said that Albania, Argentina, Armenia, Benin, Chile, Côte d'Ivoire, Ethiopia, Fiji, Gabon, Georgia, Guatemala, Israel, Jordan, Kazakhstan, Kyrgyzstan, Madagascar, Nigeria, Panama, Saudi Arabia, Senegal, Somalia,

South Sudan, Tunisia and Uganda had joined the sponsors.

71. **Mr. Mikayilli** (Azerbaijan), introducing the draft resolution, said that Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Egypt, Finland, France, Germany, Greece, Haiti, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Montenegro, New Zealand, Peru, Poland, Portugal, the Netherlands, Qatar, the Republic of Moldova, Romania, Serbia, Slovenia, Spain, the former Yugoslav of Macedonia had also joined the sponsors.

72. The draft resolution called on States to take measures to prevent persons from going missing during armed conflict, reaffirmed the right of families to know the fate of their missing relatives and invited States to maintain accessible archives on missing persons and unidentified remains.

73. **Mr. Gustafik** (Secretary of the Committee) said that Belarus, the Plurinational State of Bolivia, Brazil, Costa Rica, Ecuador, Paraguay, Uruguay and the Bolivarian Republic of Venezuela had joined the sponsors.

74. *Draft resolution A/C.3/67/L.46 was adopted.*

Agenda item 103: Crime prevention and criminal justice (*continued*)

Draft resolution A/C.3/67/L.18/Rev.1: Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption

75. **The Chair** said that the draft resolution contained no programme budget implications.

76. **Ms. Duarte** (Colombia), introducing the draft resolution, said that it called for the strengthening of institutions and public policies in order to combat corruption and ensure the return of assets.

77. Costa Rica, El Salvador, Guatemala, Israel, Mexico, the Philippines, the Russian Federation, Turkey, Ukraine and the United States of America had joined the sponsors.

78. **Mr. Gustafik** (Secretary of the Committee) said that, in addition, Armenia, Côte d'Ivoire, Ecuador, Kyrgyzstan, Mauritania, Mongolia, Morocco, Nigeria, Panama, Papua New Guinea, Paraguay, Senegal, South Sudan, Thailand, Tunisia, Ukraine and the Bolivarian Republic of Venezuela had joined the sponsors.

79. *Draft resolution A/C.3/67/L.18/Rev.1 was adopted.*

80. **Mr. Sparber** (Liechtenstein) said that his delegation had hoped that the draft resolution would take a comprehensive approach to combating corruption, including the petty corruption that led to restrictions on the exercise of fundamental rights and freedoms by millions of people. The draft resolution lacked balance and contained selective references to otherwise balanced instruments such as the United Nations Convention against Corruption. His delegation's efforts to improve the text had been unsuccessful to such an extent that it no longer considered the Third Committee the appropriate forum in which to adopt the draft resolution. It had joined consensus in the hope that substantive improvements would be possible in the future.

81. **Mr. Meier** (Switzerland), speaking also on behalf of Norway, said that it was regrettable that the transparency and inclusiveness of the review mechanism of the United Nations Convention against Corruption were not properly addressed in the draft resolution, as transparency was crucial for the effective implementation of the Convention. An inclusive mechanism was also crucial; it was therefore regrettable that important stakeholders such as civil society organizations were not permitted to participate in the review mechanism and working groups of the Conference of the States Parties to the Convention.

82. **The Chair** said that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General on the follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (A/67/97) and the note by the Secretary-General transmitting the report of the Conference of the States Parties to the United Nations Convention against Corruption on its fourth session (A/67/218).

83. *It was so decided.*

Agenda item 69: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution A/C.3/67/L.35: Committee on the Rights of the Child

84. **The Chair** drew the attention to the statement of programme budget implications contained in document A/C.3/67/L.69.

85. **Mr. Gustafik** (Secretary of the Committee) said that Argentina, Armenia, Belgium, Benin, Bosnia and Herzegovina, Chile, Côte d'Ivoire, Croatia, Denmark, the Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Guatemala, Haiti, Hungary, Iceland, Italy, Jordan, Kenya, Malawi, Mali, Montenegro, Namibia, Nigeria, Norway, Panama, Paraguay, the Republic of Korea, Serbia, South Sudan, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Uruguay and Zambia had joined the sponsors.

86. **Mr. Ulibarri** (Costa Rica), introducing the draft resolution, said that Albania, Brazil, Bulgaria, Finland, France, Honduras, Ireland, Israel, Liberia, Luxembourg, Malta, Peru, Poland, Senegal, Slovakia, Switzerland, the United Republic of Tanzania and Togo had joined the sponsors.

87. The purpose of the draft resolution was to allow the Committee on the Rights of the Child to meet in parallel chambers during one of its pre-session working group meetings and one of its regular sessions in order to address a backlog in the review of reports by States parties to the Convention on the Rights of the Child. Similar measures had been taken on two previous occasions. A sustainable solution to the backlog in the review of reports presented to the treaty bodies should be found in the context of the intergovernmental process of the Assembly on strengthening the functioning of the human rights treaty body system. In the meantime, measures should be taken that would enable those bodies to conduct their business. The draft resolution represented a compromise among the different positions on the matter.

88. Reading out oral amendments, he said that in the fourth preambular paragraph the word "number" should be replaced by the word "backlog" and the words "awaiting review by the Committee" should be added after the word "Protocols". In paragraph 1, the word "continue" should be replaced by "build upon". In paragraph 3, after the phrase "Decides to authorize the Committee", the phrase "recognizing that such a temporary measure is not a long-term solution to the backlog and" should be added. In addition, a fourth operative paragraph should be added that read, "Invites States parties to adhere to the page limit established by the Committee for reports of States parties and notes that this should reduce the operating costs of the Committee".

89. In recognition of the current difficult financial situation, the draft resolution contained a modest proposal compared to the actual requirements of the Committee on the Rights of the Child. While a number of common core documents had been removed from the proposal in order to reduce the costs, there had been insufficient time to issue a revised statement of programme budget implications. Therefore an additional amendment had been made so that the financial implications could be addressed within the regular budget cycle for the biennium 2014-2015. Accordingly, in paragraph 3, the year "2013" should be changed to "2014", and the year "2014" should be changed to "2015".

90. **Mr. Gustafik** (Secretary of the Committee) said that, in view of the amendments read out, the statement of programme budget implications (A/C.3/67/L.69) was withdrawn.

91. In addition, Armenia, Azerbaijan, Burkina Faso, Cyprus, the Dominican Republic, Lebanon, Lithuania, Madagascar, Morocco, the Netherlands, Nigeria, Portugal, Tunisia and Ukraine had joined the sponsors.

92. *Draft resolution A/C.3/67/L.35, as orally amended, was adopted.*

93. **Mr. Lukiyantsev** (Russian Federation) welcomed the consensus on the draft resolution. His delegation did not interpret paragraph 4 as having any impact on the intergovernmental process of the Assembly for strengthening the functioning of the human rights treaty body system, as the question of page limits was one of the issues to be discussed during that process.

94. **Mr. Hisajima** (Japan) said that his delegation had joined the consensus on the draft resolution out of concern at the large backlog of reports to be reviewed by the Committee on the Rights of the Child. He was concerned, however, that the draft resolution would

entail programme budget implications despite the oral amendment made to paragraph 3. It was regrettable that the draft resolution had been introduced late in the session, leaving little time for negotiation of the text. OHCHR should make further efforts to reduce costs, including by reducing the volume of core documents. It was his delegation's position that the measures set out in the draft resolution were temporary and exceptional and that a long-term solution should be sought.

95. **Ms. Walker** (United Kingdom) said that her delegation could not join the consensus on the draft resolution, which would not solve the problem of the backlog facing the Committee on the Rights of the Child. The High Commissioner for Human Rights had recognized the limitations of such ad hoc solutions in her June 2012 report on strengthening the human rights treaty body system.

96. Her delegation regretted the fact that the late presentation of the draft resolution had prevented discussion of its concerns over the Committee on the Rights of Child meeting in parallel chambers and the programme budget implications. It was disappointed that compromise proposals which would have addressed its reservations regarding costs had not been accepted. The Committee's efforts should be focused on the wider process of strengthening the treaty body system rather than on expensive ad hoc measures.

97. **Ms. Robl** (United States of America) said that her delegation could not join the consensus on the draft resolution, which would lead to the Committee on the Rights of the Child holding additional meetings to reduce the backlog of reports. In the current economic climate, financial constraints should be respected. Her delegation recognized the need to make the treaty bodies more effective through the treaty body strengthening process.

Draft resolution A/C.3/67/L.47: Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief

98. **The Chair** said that the draft resolution had no programme budget implications.

99. **Mr. Al-Yafei** (United Arab Emirates), speaking on behalf of the Organization of Islamic Cooperation (OIC), introduced a number of amendments to the draft resolution: the fifth and ninth preambular paragraphs had been merged; in the fifteenth preambular paragraph, the words "deeply alarmed" had been replaced by "expressing deep concern" and the words "many parts of" had been deleted. In the sixteenth preambular paragraph, the words "and violence among individuals composing different nations" had been deleted and replaced by "among individuals within and from different nations", and the words "have serious implications for international peace and security" had been replaced by "that may have serious implications at the national, regional and international levels"; in the nineteenth preambular paragraph, the words "or beliefs" had been inserted after "and religions"; in the twenty-first preambular paragraph, the word "established" had been inserted before "on the basis of"; in the twenty-second preambular paragraph, the text from the start of the fourth line to the end had been deleted and replaced by "and including the launching of the Istanbul Process and taking note of the high-level conference held in Tirana, Albania, on 8 and 9 November 2012 under the theme 'United in diversity', of Albanian chairmanship of the Council of Europe and the holding of five regional workshops by the Office of the High Commissioner for Human Rights in Kenya, Chile, Austria, Thailand and Morocco on related issues"; in paragraph 1, the words "on steps taken by States" had been inserted before "on combating intolerance"; in paragraph 2, the words "Government officials" had been replaced by "Governments"; in paragraph 3, the words "for international peace and security" had been replaced by "at the national, regional and international levels"; in paragraph 6, the words "also recognizes the strong need for global awareness about the dangerous implications for international peace and security of incitement to discrimination and violence based on hate-oriented speech and expression" should be deleted and replaced by "recognizes further the strong need for global awareness about the possible serious implications of incitement to discrimination and violence based on religion or belief that may have serious implications at the national, regional and international levels"; in paragraph 7, a comma should be inserted after the word "Cooperation".

100. **Mr. Gustafik** (Secretary of the Committee) said that Australia, Brazil, New Zealand, Thailand and Uruguay had joined in sponsoring the draft resolution.

101. **Mr. Makriyiannis** (Cyprus), speaking on behalf of the European Union in explanation of position, said that the draft resolution was a call for States to respond

to acts of intolerance on the basis of international law. The European Union would continue to condemn violence based on religion and the advocacy of religious hatred to incite discrimination, but expressed its strong attachment to freedom of expression. Freedom of religion was linked to freedom of expression and other human rights which contributed to democratic societies. The international community should consolidate its response to those who sought to use religion to fuel extremism.

102. While dialogue was invaluable, those participating in it were individuals; a reference in the draft resolution to a more inclusive concept of diversity, noting that each individual had multiple sources of identity, would therefore have been desirable. An effective fight against intolerance called for all aspects of identity to be taken into account, as stated in the United Nations Educational, Scientific and Cultural Organization Universal (UNESCO) Declaration on Cultural Diversity. Such diversity should not be invoked in order to infringe human rights.

103. As stated in the draft resolution, religious hatred was primarily a threat to individual freedoms at the local and national levels, and States and local authorities were thus primarily responsible for combating intolerance and safeguarding individual rights. Such an approach, however, tended to highlight divisions rather than points in common, in particular the universal right to freedom of belief. The European Union shared the contention that intolerance also had an international dimension and underlined the importance of international cooperation. It was for States, however, to make it clear that individual acts of intolerance did not reflect the views of peoples or Governments.

104. The European Union condemned attacks on religious sites, but it was the protection of individual rights which should be the focus of the international community's attention. All States should implement their obligations to protect individuals against discrimination on the basis of their religion. In particular, individuals should enjoy freedom of worship without fear of intolerance and attacks.

105. Although the draft resolution referred to the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue in Vienna, his delegation believed that other such centres and other relevant initiatives, such as those of UNESCO, the United Nations Alliance of Civilizations and the Anna Lindh Foundation, should be acknowledged. On the understanding that those comments would be reflected in the following year's draft resolution, the Member States of the European Union were able to join the consensus.

106. *Draft resolution A/C.3/67/L.47, as orally revised, was adopted.*

107. **Ms. Robl** (United States of America) said that her delegation welcomed the adoption by consensus of the draft resolution, which rejected broad speech restrictions and supported actions which addressed religious intolerance without limiting the freedoms of expression and religion. It was pleased by the support for the Istanbul Process to promote implementation of Human Rights Council resolution 16/18, which was the common way forward in combating intolerance. Although parts of article 19 of the International Covenant on Civil and Political Rights were cited in the draft resolution, her delegation believed that the article should be read as a whole and provided broad protection of freedom of expression.

108. Her delegation drew attention to the December 2011 expert-level meeting on the implementation of Human Rights Council resolution 16/18 and looked forward to the next such meeting, to be held in December 2012. It would continue to work to implement the measures called for in that resolution, including speaking out against intolerance, encouraging the training of Government officials and fostering religious freedom and pluralism.

Draft resolution A/C.3/67/L.48: Freedom of religion or belief

109. **The Chair** said that the draft resolution had no programme budget implications.

110. **Mr. Makriyiannis** (Cyprus), speaking on behalf of the European Union, said that Australia, Chile, Costa Rica, the Dominican Republic, Japan, Madagascar, Monaco, New Zealand, Paraguay, the Republic of Korea, Thailand and Ukraine had joined the sponsors. He introduced the following oral amendments to the draft resolution: the text of the eighth preambular paragraph from the words "and against" to the end should be deleted; paragraph 11 (f) should be deleted; the text of paragraph 17 from "in particular" to the end should be deleted. The European

Union was confident that the resolution would be adopted by consensus, thus sending a strong message of unity to the world.

111. **Mr. Gustafik** (Secretary of the Committee) said that Burkina Faso, Côte d'Ivoire, Lebanon and Papua New Guinea had joined the sponsors.

112. **Ms. Vadiati** (Islamic Republic of Iran) said that new human rights challenges were constantly emerging because of cultural intolerance, double standards and hegemonic political, economic and cultural ambitions. Recent dangerous trends stemming from a sense of cultural superiority and malicious intentions had denigrated religions and harmed human rights.

113. Certain individuals, misinterpreting human rights concepts, had insulted Islam and hurt the feelings of followers of other religions by releasing a film mocking the Prophet Muhammad, an act which constituted irresponsible use of the right to freedom of expression, which carried with it duties and responsibilities under international law. As part of an ongoing anti-Muslim campaign which, if continued, would help normalize intolerance and legitimize discriminatory practices, the film would incite religious hatred. The situation reaffirmed the need for all States to meet their obligations to prohibit incitement to discrimination. Overcoming the problem would require action from the international community through the United Nations. Acts such as the release of the film, which eroded the momentum of initiatives including the dialogue among religions and cultures, should be prevented. The international commitment to tolerance and understanding therefore needed to be renewed.

114. *Draft resolution A/C.3/67/L.48, as orally revised, was adopted.*

115. **Ms. Sucuoğlu** (Turkey) said that her delegation welcomed the adoption by consensus of the draft resolution, but had been unable to join the sponsors because of its position on the question of Cyprus.

116. **Mr. Makriyiannis** (Cyprus) said that his delegation regretted that rather than focusing on the substance of the debate the Turkish delegation had chosen to politicize the work of the Committee and had attempted to distract it from the matter at hand. His delegation reaffirmed that as a sovereign country Cyprus participated in the work of the United Nations and, like any Member State, introduced draft resolutions on matters of importance, including while it held the Presidency of the Council of the European Union.

117. **The Chair** proposed that the Committee should take note, in accordance with General Assembly decision 55/488, of the report of the Human Rights Committee (A/67/40 (vols. I and II)), the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/67/264), the report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/67/269), the note by the Secretary-General transmitting the report of the Chair of the human rights treaty bodies on their twenty-fourth meeting (A/67/222), the report of the Secretary-General on the right to development (A/67/159), the report of the Committee on Enforced Disappearances (A/67/56), the note by the Secretary-General transmitting the report of the independent expert on minority issues (A/67/293), the note by the Secretary-General transmitting the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises (A/67/285), the note by the Secretary-General transmitting the report of the Special Rapporteur in the field of cultural rights (A/67/287), the note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion of human rights and fundamental freedoms while countering terrorism (A/67/396), the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights defenders (A/67/292), the note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of internally displaced persons (A/67/289), the note by the Secretary-General transmitting the report of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (A/67/304), the note by the Secretary-General transmitting the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context (A/67/286), the note by the Secretary-General transmitting the report of the Special Rapporteur on the right to education (A/67/310), the note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (A/67/368), the note by the

Secretariat on the report of the Working Group on the Right to Development on its thirteenth session (A/67/178), the note by the Secretary-General transmitting the report of the Special Rapporteur on the independence of judges and lawyers (A/67/305), the note by the Secretary-General transmitting the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/67/302), the report of the Secretary-General on the Khmer Rouge Trials (A/67/380), the note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/67/357) and the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/67/379).

118. *It was so decided.*

The meeting was suspended at 7.10 p.m. and resumed at 7.35 p.m.

Agenda item 131: Programme planning (*continued*)

Draft decision A/C.3/67/L.73: Programme 20, Human rights, of the proposed strategic framework for the period 2014-2015

119. **Mr. De León Huerta** (Mexico), introducing the draft decision, said that while it had been impossible to accommodate all of the proposals made by delegations, the text was broadly representative of their views.

120. **Mr. Mendonça** (Cape Verde) speaking on behalf of the Group of African States, said that the promotion and protection of human rights was a core mandate of the United Nations. The strategic framework contained in the draft decision reflected a balance of the views put forward during the negotiations and charted the way forward for OHCHR. The Group particularly welcomed the sections on the right to development, the Durban Declaration and Programme of Action, capacity development and technical cooperation. While the Group would prefer to have seen more of its proposals reflected in the document, it nevertheless endorsed the draft decision.

121. **Ms. Boissiere** (Trinidad and Tobago), speaking on behalf of the Caribbean Community, said that it was unfortunate that consensus had not been achieved on a text that struck a good balance. While the text might not be entirely satisfactory to all delegations, it reflected the best possible compromise. The proposed strategic framework would enable the United Nations High Commissioner for Human Rights to implement her mandates relating to the right to development and the follow-up to the Durban Declaration and Programme of Action, which were especially important for developing countries.

122. *At the request of the representative of Israel, a recorded vote was taken.*

In favour:

Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and

Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Canada, Israel, United States of America.

Abstaining:

Afghanistan, Australia, Belarus, Cambodia, Iran (Islamic Republic of), Samoa, Syrian Arab Republic.

123. *Draft decision A/C.3/67/L.73 was adopted by 161 votes to 3, with 7 abstentions.*

Statements in explanation of vote after the voting

124. **Mr. Makriyiannis** (Cyprus), speaking on behalf of the European Union, said that it was regrettable that the Committee for Programme and Coordination had been unable to agree by consensus on the proposed strategic framework submitted to it at its fifty-second session. Nevertheless, the overall balance achieved in the draft decision by negotiation constituted a solid basis for the work of OHCHR in the biennium 2014-2015 and therefore the member States of the European Union had voted in favour of it. It would have been preferable for the draft decision to be adopted by consensus; he expressed the hope that in future the Committee for Programme and Coordination would reach agreement on programme 20, Human rights, of the proposed strategic framework.

125. **Ms. Furman** (Israel) said that her delegation had had reservations concerning the reference in the draft decision to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The text contained no reference to other high-level meetings that were important to the work of OHCHR. Some paragraphs of the Durban Declaration and Programme of Action were politicized and should have been omitted. However, aware of the importance of the Conference to some delegations, she had not requested that the reference be deleted but merely that the follow-up should focus on the relevant provisions of the Durban Declaration and Programme of Action. Her delegation also objected to the reference to Human Rights Council resolution 19/17. Many States had had concerns about the text of the draft decision and those concerns had been taken into consideration; it was regrettable that the same flexibility had not been shown in respect of Israel's concerns. For those reasons, her delegation had voted against the draft decision.

126. **Mr. Lukiyantsev** (Russian Federation) said that his delegation had voted in favour of the draft decision because it outlined the aims and tasks of OHCHR for the near future. While the document was not perfect, it represented a balance that was the best possible outcome achievable.

127. OHCHR should strictly abide by General Assembly resolutions 48/141 and 60/251. The main focus of its activities should be to encourage and enhance mechanisms of dialogue and cooperation among States rather than to strengthen monitoring.

128. **Ms. Hewanpola** (Australia) said that it was disappointing that the Committee had been unable to reach consensus on the important question of programme planning. It was regrettable that the draft decision contained prescriptive language relating to the Durban Declaration and Programme of Action. However, Australia's concerns on that point did not alter its view that OHCHR did excellent work in promoting and protecting human rights.

129. **Mr. Amorós Núñez** (Cuba) said that the document, albeit imperfect, represented the views of the majority of delegations. He had expected that consensus would be reached, considering that most of the parts to which delegations objected had been agreed on in 2010. The draft decision provided OHCHR with all necessary guidance for its future work.

130. **Mr. Han** Qing (China) expressed concern that many of his delegation's proposals had not been reflected in the draft decision. OHCHR should strictly adhere to its mandate, uphold the principles of impartiality, objectivity and non-selectivity and enhance the promotion of economic, social and cultural rights alongside civil and political rights. The Office should respect the sovereignty and historical and cultural situations of Member States and the human rights development paths they had chosen. In addition, it should promote dialogue and cooperation in international human rights forums.

131. **Ms. Robl** (United States of America) said that her delegation was disappointed that consensus had not been achieved and that it had deemed it necessary to vote against the draft decision. Despite its conviction that the promotion and protection of human rights were

among the most important functions of the United Nations, it could not agree to language instructing OHCHR to prioritize the implementation of follow-up to the Durban Declaration and Programme of Action. Although that document had some useful elements, her Government's objections to the Durban process and outcome document were well known.

132. Furthermore, the United States was committed to finding ways of making the right to development a uniting rather than a divisive issue. Theoretical work was needed in order to define that right; discussion should focus on aspects of development relating to universal individual rights that were guaranteed by Governments. The attention given to the issue in a document pertaining to OHCHR, an agency charged with the protection of all human rights, was inappropriate.

133. She also objected to the characterization of General Assembly and Human Rights Council resolutions and decisions as "legislative mandates" as those bodies were not legislatures and their resolutions and decisions were not binding.

134. The independence of OHCHR was crucial, as it enabled the Office to address human rights issues without fear of reprisal or interference by Governments that wished to avoid scrutiny.

135. **Ms. Loew** (Switzerland), speaking also on behalf of Liechtenstein and Norway, said that those delegations had voted in favour of the draft decision and found it regrettable that a consensus had not been achieved. It was unfortunate that the Committee for Programme and Coordination had been unable to agree on the strategic framework, a balanced text that had served well over the previous biennium as the framework for the activities of OHCHR. Noting that the independence of the Office was crucial to the discharge of its mandate, she expressed the hope that in future the strategic framework would be adopted by the Committee for Programme and Coordination.

Agenda item 116: Revitalization of the work of the General Assembly

Draft proposal A/C.3/67/L.72

136. **The Chair** drew attention to the Committee's tentative programme of work for the sixty-eighth session of the General Assembly as contained in document A/C.3/67/L.72. He would take it that the Committee wished to adopt the tentative programme of work and transmit it to the General Assembly for approval.

137. *It was so decided.*

Agenda item 27: Social development

(b) Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family

138. **Mr. Gustafik** (Secretary of the Committee) said that the oral statement of programme budget implications submitted to the Committee prior to the adoption of draft resolution A/C.3/67/L.10/Rev.1 on realizing the Millennium Development Goals and other internationally agreed development goals for persons with disabilities towards 2015 and beyond had been withdrawn.

139. **Mr. Cabactulan** (Philippines) said that he welcomed the withdrawal of the oral statement of programme budget implications. As the main sponsor of the draft resolution, his delegation had consulted the Secretariat during the negotiations and had been informed that there would be no programme budget implications; the oral statement had therefore come as a surprise. He expressed the hope that the situation would never recur in which a Main Committee had to take a decision based on incorrect information.

Completion of the work of the Third Committee

140. **The Chair** said that he wished to thank all the facilitators for their hard work and the delegates for their cooperation. He declared that the Third Committee had completed its work for the main part of the sixty-seventh session.

The meeting rose at 8.30 p.m.